

- 5). PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION
FOR A TEMPORARY RESTRAINING ORDER ENJOINING DEFENDANTS FROM
WITHDRAWING, TRANSFERRING OR DISPOSING OF CERTAIN FUNDS AND

MAKING ANY REPRESENTATIONS TO THE PUBLIC THAT THE DEFENDANTS ARE
ASSOCIATED WITH OR RELATED TO TICOR TITLE INSURANCE COMPANY;

6). RULE 7.1 DISCLOSURE STATEMENT;

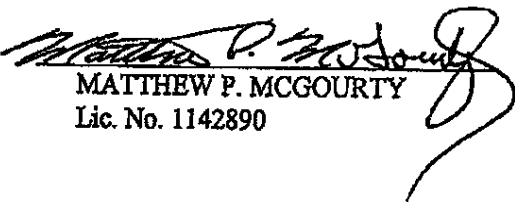
7). INDIVIDUAL PRACTICE RULES OF JUDGE SAND, and

8). INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE DEBRA
FREEMAN,


via Federal Express overnight delivery upon the following defendants:

Robert E. Baschmann Jr.
Empire Logging and Timber, LLC
10375 Abbott Road
Boston, New York 14025

Empire Logging and Timber, LLC
10375 Abbott Road
Boston, New York 14025


MATTHEW P. MCGOURTY
Lic. No. 1142890

Sworn to before me this
13th day of February, 2008


NOTARY PUBLIC
KEVIN M. KOHBERGER
NOTARY PUBLIC, State of New York
No. 01K06147000
Qualified in Kings County
Certificate Filed in New York County
Commission Expires May 30, 2012

FedEx | Track

Page 1 of 2

Track Shipments/FedEx Kinko's Orders
Detailed Results

Tracking number	915369848910	Reference	615600M MCGOURTY
Signed for by	Signature release on file	Department number	615600
Ship date	Feb 11, 2008	Destination	BOSTON, NY
Delivery date	Feb 12, 2008 9:20 AM	Delivered to	Residence
		Service type	First Overnight Pak
		Weight	2.0 lbs.

Status Delivered

Signature image available No

Date/Time	Activity	Location	Details
Feb 12, 2008 9:20 AM	Delivered	BOSTON, NY	Left at side door Package delivered to recipient a release authorized
8:11 AM	On FedEx vehicle for delivery	CHEEKTOWAGA, NY	
7:32 AM	At local FedEx facility	CHEEKTOWAGA, NY	
7:31 AM	At dest sort facility	CHEEKTOWAGA, NY	
4:40 AM	Departed FedEx location	MEMPHIS, TN	
1:31 AM	Arrived at FedEx location	MEMPHIS, TN	
12:35 AM	Departed FedEx location	NEWARK, NJ	
Feb 11, 2008 10:05 PM	Left origin	NEW YORK, NY	
8:10 PM	Picked up	NEW YORK, NY	
6:53 PM	Package data transmitted to FedEx		

Subscribe to tracking updates (optional)

Your name: Your e-mail address:

E-mail address	Language	Exception updates	
<input type="text"/>	English	<input type="checkbox"/>	
<input type="text"/>	English	<input type="checkbox"/>	
<input type="text"/>	English	<input type="checkbox"/>	
<input type="text"/>	English	<input type="checkbox"/>	

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

FedEx | Track

Page 2 of 2

☐ By selecting this check box and the Submit button, I agree to these Terms and Conditions

FedEx | Track

Page 1 of 2

Track Shipments/FedEx Kinko's Orders
Detailed Results

Tracking number	915369848932	Reference	615600M.MCGOURT
Signed for by	Signature release on file		Y
Ship date	Feb 11, 2008	Department number	615600
Delivery date	Feb 12, 2008 9:20 AM	Destination	BOSTON, NY
		Delivered to	Residence
		Service type	First Overnight Pak
		Weight	2.0 lbs.

Status	Delivered
Signature image available	No

Date/Time	Activity	Location	Details
Feb 12, 2008 9:20 AM	Delivered	BOSTON, NY	Left at side door Package delivered to recipient a release authorized
8:11 AM	On FedEx vehicle for delivery	CHEEKTOWAGA, NY	
7:31 AM	At local FedEx facility	CHEEKTOWAGA, NY	
7:31 AM	At dest sort facility	CHEEKTOWAGA, NY	
4:40 AM	Departed FedEx location	MEMPHIS, TN	
1:31 AM	Arrived at FedEx location	MEMPHIS, TN	
12:35 AM	Departed FedEx location	NEWARK, NJ	
Feb 11, 2008 10:05 PM	Left origin	NEW YORK, NY	
8:10 PM	Picked up	NEW YORK, NY	
6:53 PM	Package data transmitted to FedEx		



Subscribe to tracking updates (optional)

Your name: Your e-mail address:

E-mail address	Language	Exception updates
<input type="text"/>	English	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

FedEx | Track

Page 2 of 2

☐ By selecting this check box and the Submit button, I agree to these Terms and Conditions

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TICOR TITLE INSURANCE CO.,

Plaintiff,

-v-

EMPIRE LOGGING AND TIMBER, LLC, and
ROBERT E. BASCHMANN, JR.,

Defendants.

x

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x

Index No. 08 Civ. 1336 (LBS)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 SS.:
COUNTY OF NEW YORK)

PAUL H. COHEN, being duly sworn, deposes and says, I am associated with the law firm of Dewey & LeBoeuf LLP, attorneys for Plaintiff herein.

On the 12th day of February, 2008, I served the a true and correct copy of the following documents:

- 1). SUMMONS IN A CIVIL ACTION;
- 2). COMPLAINT;
- 3). CIVIL COVER SHEET;
- 4). ORDER TO SHOW CAUSE FOR A TEMPORARY RESTRAINING ORDER;
- 5). PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR A TEMPORARY RESTRAINING ORDER ENJOINING DEFENDANTS FROM WITHDRAWING, TRANSFERRING OR DISPOSING OF CERTAIN FUNDS AND

MAKING ANY REPRESENTATIONS TO THE PUBLIC THAT THE DEFENDANTS ARE
ASSOCIATED WITH OR RELATED TO TICOR TITLE INSURANCE COMPANY;

6). RULE 7.1 DISCLOSURE STATEMENT;

7). INDIVIDUAL PRACTICE RULES OF JUDGE SAND, and

8). INDIVIDUAL PRACTICE RULES OF MAGISTRATE JUDGE DEBRA
FREEMAN,

via electronic mail upon the following defendants:


Robert E. Baschmann Jr.
rbaschmannjr@starband.net

Attached hereto is a copy of the email addressed to Mr. Baschmann.



PAUL H. COHEN

Sworn to before me this
13th day of February, 2008



NOTARY PUBLIC
KEVIN M. KOHBERGER
NOTARY PUBLIC, State of New York
No. 01K06147080
Qualified in Kings County
Certificate Filed in New York County
Commission Expires May 30, 2012

Rampino, Patricia

Subject: FW: Tigor Title Insurance v. Empire Logging and Timber (08cv1336) Documents

Attachments: 08cv1336 - 7.1 Statement.pdf; 08cv1336 - Civil Cover Sheet.pdf; 08cv1336 - Complaint.pdf; 08cv1336 - Plaintiff's Memo of Law in Support.pdf; 08cv1336 - Summons in a Civil Action.pdf; 08cv1336 - Order to Show Cause with Decl. and Affidavit.pdf; Individual Practices of Judge Sand.pdf; Individual Practices of Mag. Freeman.pdf

From: Rampino, Patricia On Behalf Of Cohen, Paul

Sent: Tuesday, February 12, 2008 10:56 AM

To: 'rbaschmannjr@starband.net'

Subject: Tigor Title Insurance v. Empire Logging and Timber (08cv1336) Documents

Per the Court's Order to Show Cause dated February 11, 2008, attached please find the papers submitted in the above-captioned action. Please note that this is an attempt to execute service in a civil action. Service is also being attempted by other means. A hearing in court at Rm. 16A, 500 Pearl Street, New York, New York, is scheduled for 10am on February 14, 2008.

2/12/2008

AFFIDAVIT OF DUE DILIGENCE

State of: New York
U.S. District, Court

County of: Southern District
Index #: 08 CV 1336
Date Purchased: 2/11/2008

Plaintiff/Petitioner:
Ticor Title Insurance Co.

Defendant/Respondent: vs
Empire Logging And Timber, LLC, et.al.

State of: NY
County of: Niagara

Renee E. Hickey being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides at: North Tonawanda, NY that on: 2/12/2008 at: 12:33pm at: 10375 Abbott Hill Road, Boston, NY 14025 deponent DID NOT serve the within: Statement; Civil Cover Sheet; Complaint; Plaintiff's Memo of Law in Support; Summons in a Civil Act Freeman 2/14/2008, PAPERS SERVED WITH INDEX # & DATE PURCHASED ON: Empire Logging And Timber, LLC

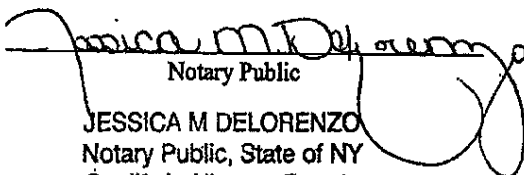
NON-SERVICE ☒ After due search, careful diligent attempts, I have been unable to effect process upon the Defendant being served because of the following:

Original address of 10375 Abbott Rd., Boston does not exist; found out per a skip trace that it should be 10375 Abbot Hill Rd., Boston but it still did not pull up on any mapping system or per the United States Post Office website. Went out to locate the address and found it was a vacation home. Spoke with Diane at Concord Town Hall and she said this address is listed as a single family dwelling, not a commercial residence and all the taxes and such go to the Marilla address of 11231 Bullis Rd., Marilla. Attempted 11231 Bullis Rd., Marilla and found this to be Robert Bashcman, Jr.'s parents house. They said Robert left town Sept. 10th and they have no idea where he is living, just that he is working at a government job and his cell# is 716-236-2613 but everytime they call his mailbox is full so they can't leave a message. Client advised to return service.

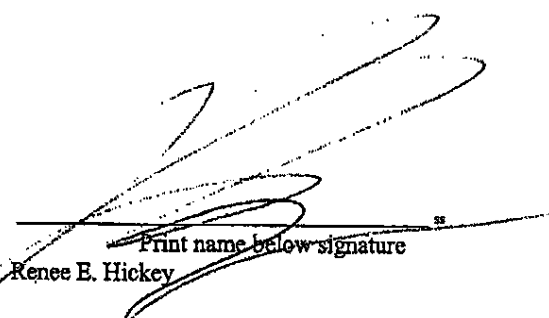
PREVIOUS ATTEMPTS ☒ Deponet was unable, with due diligence to find the Defendant having called therat:

2/12/08 at 10:50am, 2/12/08 at 11:20am, 2/12/08 at 11:30am, 2/12/08 at 12:33pm

Sworn to before me on this: 2/12/2008


Notary Public
JESSICA M DELORENZO
Notary Public, State of NY
Qualify in Niagara County
My commission expires
May 16, 2009

Action#: 200802752


Print name below signature
Renee E. Hickey

AFFIDAVIT OF DUE DILIGENCE

State of: New York
U.S. District, Court

County of: Southern District
Index #: 08 CV 1336
Date Purchased: 2/11/2008

Plaintiff/Petitioner:

Ticor Title Insurance Co.

Defendant/Respondent:

vs

Empire Logging And Timber, LLC, et.al.

State of: NY

County of: Niagara

Renee E. Hickey being duly sworn, deposes and says: that deponent is not a party to this action,
is over 18 years of age and resides at: North Tonawanda, NY

that on: 2/12/2008 at: 12:33pm at: 10375 Abbott Hill Road, Boston, NY 14025

deponent DID NOT serve the within: Statement; Civil Cover Sheet; Complaint; Plaintiff's Memo of Law in Support; Summons in a Civil Act
Freeman 2/14/2008 PAPERS SERVED WITH INDEX # & DATE PURCHASED

ON: Robert E. Baschmann, Jr.

NON-SERVICE After due search, careful diligent attempts, I have been unable to effect process upon the Defendant being served
☒ because of the following:

Original address of 10375 Abbott Rd., Boston does not exist; found out per a skip trace that it should be
10375 Abbot Hill Rd., Boston but it still did not pull up on any mapping system or per the United States Post
Office website. Went out to locate the address and found it was a vacation home. Spoke with Diane at
Concord Town Hall and she said this address is listed as a single family dwelling, not a commercial residence
and all the taxes and such go to the Marilla address of 11231 Bullis Rd., Marilla. Attempted 11231 Bullis Rd.,
Marilla and found this to be Robert Baschmann, Jr.'s parents house. They said Robert left town Sept. 10th
and they have no idea where he is living, just that he is working at a government job and his cell# is
716-236-2613 but everytime they call his mailbox is full so they can't leave a message. Client advised to
return service.

PREVIOUS
ATTEMPTS

Deponet was unable, with due diligence to find the Defendant having called therat:

☒

2/12/08 at 10:50am, 2/12/08 at 11:20am, 2/12/08 at 11:30am, 2/12/08 at 12:33pm

Sworn to before me on this: 2/12/2008

Notary Public

JESSICA M DELORENZO
Notary Public, State of NY
Qualify in Niagara County
My commission expires
May 16, 2009

Action#: 200802753

Print name below signature

Renee E. Hickey

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TICOR TITLE INSURANCE CO.

V.

CASE NO. 08CV1336

EMPIRE LOGGING AND TIMBER, LLC
ROBERT E. BASCHMANN JR.

AFFIDAVIT OF MICHAEL REEDER

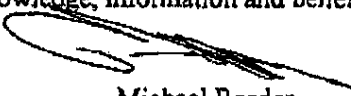
I, Michael Reeder, hereby depose and say:

That I am not a party to or otherwise interested in this case.


That the following details the efforts made to serve the defendant, Robert Baschmann, Jr., at the Key Bridge Marriott, 1401 Lee Highway, Arlington, Virginia 22209.

On February 13, 2008, at 1:12 p.m., I attempted to serve Mr. Baschmann at the hotel. The front desk would not provide me his room number but an employee did call Mr. Baschmann's room. I spoke with Mr. Baschmann on the telephone and informed him that I was attempting to serve him legal process in the above referenced case. Mr. Baschmann would not agree to receive the documents. He asked me for my office telephone number and stated that he would have his attorney contact my office. No phone call has been received from Mr. Baschmann or his attorney.

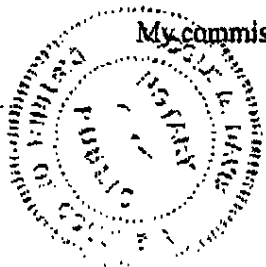
I do solemnly declare and affirm under the penalty of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.


Michael Reeder

Subscribed and Sworn to before me this 14th day of February, 2008.


Notary Public

My commission expires: 01-14-09



UNITED STATES DISTRICT COURT

Southern District of New York

Ticor Title Insurance Co.

SUMMONS IN A CIVIL ACTION

V.

Empire Logging and Timber LLC,
Robert E. Baschmann Jr.

CASE NUMBER:

08 CV 1336

JUDGE SAND

TO: (Name and address of Defendant)
Robert E. Baschmann Jr.
Empire Logging and Timber, LLC
10375 Abbott Road
Boston, New York 14025

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Christopher J. Clark
Paul H. Cohen
Kevin C. Wallace
Dewey & LeBoeuf LLP
1301 Avenue of the Americas
New York, New York 10019

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

2/11/2008

DATE

Marcos Quintero

(By) DEPUTY CLERK

RETURN OF SERVICEService of the Summons and complaint was made by me⁽¹⁾ DATE

NAME OF SERVER (PRINT)

TITLE

Check one box below to indicate appropriate method of service☐ Served personally upon the defendant. Place where served:☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server _____

Address of Server _____

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.